

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**CYBOENERGY, INC.,**  
*Plaintiff,*

**-v-**

**ALTENERGY POWER SYSTEM USA,  
INC.,**

*Defendant.*

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**6:22-CV-01136-KC**

**ORDER APPOINTING TECHNICAL ADVISOR**

The Court finds that the technology in the above-captioned case is exceptionally complex and warrants the appointment of a technical advisor. This case involves U.S. Patent Nos. 8,786,113 and 9,331,489, which are entitled “Smart and Scalable Power Inverters” and “Maximizing Power Production at Low Sunlight By Solar Power Mini-Inverters,” respectively. Both patents relate to direct current (DC) to alternating current (AC) power inverters that invert DC power from single or multiple DC power sources to single-phase or three-phase AC power, where the DC power sources include but are not limited to photovoltaic (PV) solar modules, fuel cells, batteries, and other DC power generators.

Full appreciation of the parties’ upcoming arguments requires a detailed understanding of electrical engineering concepts.<sup>1</sup>

The Court hereby appoints Kirk Voss to serve as the Technical Advisor for the Court in this case. Given his background and qualifications, the Court is satisfied that Mr. Voss’s appointment under the terms of this Order would assist the Court in this case. Mr. Voss’s contact information is as follows:

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<sup>1</sup> This is not a ruling on the skill level of a person of ordinary skill in the art.

Kirk Voss  
1722 Routh St., Ste. 710  
Dallas, TX 75201  
E-mail: kirk.voss@griffithbarbee.com

The parties shall send courtesy copies of the following documents no later than one business day after the date of this order or after the last document in the following list is filed:

- (1) **Briefs, joint claim construction statement, and patents:** In paper form, double-sided, stapled or bound (e.g., 3-ring), to the mailing address above,
- (2) **Briefs, exhibits, joint claim construction statement, patents, and tutorial:** In electronic form, on a USB drive, to the mailing address above,
- (3) **Word version of the joint claim construction statement:** Via e-mail to the above email address.

If the document was filed with the Court, the copy must include the CM/ECF header.

Mr. Voss will assist the Court with technical issues related to the claim construction process and advise the Court regarding preliminary and final claim constructions. Mr. Voss may also assist the Court in drafting a claim construction order.

Finally, depending on the needs of the case, Mr. Voss may also assist the Court with motions for summary judgment, *Daubert* motions, trial preparation and rulings, post-trial motions, and any other Court task that requires an appreciation of the complex technology included in the asserted patents.

The parties are **ORDERED** to notify the Court of any conflicts with Mr. Voss within seven (7) days of this order.

**SIGNED** this 9th day of November, 2023.



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DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE